

UNITED STATES DISTRICT COURT
District of Massachusetts

Civil Action
No. 05-10078-DPW

PETER A. CRAWFORD, Plaintiff

v.

WOLVERINE, PROCTOR & SCHWARTZ, INC.,
Steven F. Chilinski, Deepak S. Kulkarni,

Defendants

PLAINTIFF'S AFFIDAVIT IN SUPPORT OF HIS
MOTION TO COMPEL THE DEPOSITION OF DEFENDANT KULKARNI AND
FOR SANCTIONS AND EXPENSES

I, Peter A. Crawford, do hereby say and depose that:

1. I am the plaintiff in the above captioned action
2. On October 26, 2005 I sent to defendants' attorneys, via first class mail, postage prepaid, the Notice of Deposition of defendant Kulkarni in the above-captioned matter. That notice is attached hereto as Exhibit A.
3. On November 18, 2005, I received the e-mail attached hereto as Exhibit B from Mr. Mark Whitney, counsel for all defendants in the above-captioned case.
4. On November 18, 2005, I responded to the e-mail from Mr. Whitney as indicated in the document attached hereto as Exhibit C.

5. On November 21, 2005, prior to 11:00 a.m., I arrived at the offices of Morgan, Brown & Joy, LLP to conduct the deposition of Mr. Kulkarni. Also arriving prior to 11:00 a.m. was Elaine Buckley, court reporter with Leavitt Reporting.

6. At approximately 11:00 a.m. on November 21, 2005, Mr. Whitney and his colleague Jeffrey Kuhn appeared and stated that Mr. Kulkarni would not appear. Plaintiff conferred with Messrs. Whitney and Kuhn, each raising similar issues to those raised in the e-mails attached hereto as Exhibits B and C. No resolution was reached

7. I remained at the offices of Morgan, Brown & Joy, LLP until 12:01 p.m. on November 21, 2005. Mr. Kulkarni did not appear prior to that time.

8. Ms. Buckley remained at the offices of Morgan, Brown & Joy, LLP until 11:33 a.m. on November 21, 2005.

9. In connection with my attendance on November 21, 2005 I traveled 51 miles each way by my personal automobile from my residence in Nashua, NH, a total of 102 miles, which at the applicable federal rate of \$.485 per mile, amounts to \$49.47.

10. In addition to the use of my personal automobile, I incurred parking charges of \$4.00 and subway fare costs of \$2.50.

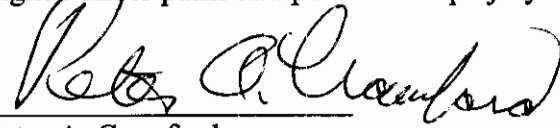
11. I have been informed by Leavitt Reporting that their fee for attending the cancelled deposition will be \$165.00.

12. The total of the costs enumerated above is \$220.97.

13. I attach hereto as Exhibit D, two documents produced by defendants during discovery in this matter, marked as pages W0129 and W0133.

14. I attach hereto as Exhibit E, pages 1-5 from the deposition of Mark Brown, in the above captioned case, conducted on November 3, 2005.

Signed under pains and penalties of perjury

A handwritten signature in black ink, appearing to read "Peter A. Crawford", written over a horizontal line.

Peter A. Crawford

Date: Nov. 22, 2005